

**IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF DELAWARE**

MERCK & CO., INC.,	)	
	)	
Plaintiff,	)	
	)	
v.	)	C.A. No. 06-230 (GMS)
	)	
APOTEX, INC.	)	
	)	
Defendant.	)	

**STIPULATION AND ORDER TO EXTEND TIME**

Plaintiff Merck & Co., Inc. and Defendant Apotex, Inc. do hereby stipulate, subject to approval by the Court, to an extension of time until and including June 29, 2006, to answer, move, or otherwise respond to the Complaint. The reasons for this extension are: (1) the parties are engaged in an informal exchange of information that may lead to an early resolution of this matter and (2) Defendant has received no prior extensions of time within which to file Defendant's response to the Complaint.

This extension should not disrupt the schedule in the case, as there has been no initial conference with the Court and there is no Scheduling Order in place at this time.

NOW THEREFORE, IT IS HEREBY STIPULATED AND AGREED, by and between the parties, and subject to the approval of the Court, that the Defendant Apotex, Inc. shall have until and including June 29, 2006, to answer, move, or otherwise respond to the Complaint.

MORRIS, NICHOLS, ARSHT &  
TUNNELL LLP

By: /s/ James W. Parrett, Jr.

Mary B. Graham (#2256)  
James W. Parrett, Jr. (#4292)  
1201 North Market Street  
P.O. Box 1347  
Wilmington, DE 19899-1347  
(302) 658-9200  
[mgraham@mnat.com](mailto:mgraham@mnat.com)  
[jparrett@mnat.com](mailto:jparrett@mnat.com)

*Attorneys for Plaintiff Merck & Co., Inc.*

POTTER ANDERSON & CORROON LLP

By: /s/ Kenneth L. Dorsney

Richard L. Horwitz (#2246)  
Kenneth L. Dorsney (#3726)  
Hercules Plaza, 6<sup>th</sup> Floor  
1313 N. Market Street  
P. O. Box 951  
Wilmington, DE 19899  
(302) 984-6000  
[rhorwitz@potteranderson.com](mailto:rhorwitz@potteranderson.com)  
[kdorsney@potteranderson.com](mailto:kdorsney@potteranderson.com)

*Attorneys for Defendant Apotex, Inc.*

SO ORDERED this \_\_\_\_\_ day of \_\_\_\_\_, 2006.

730074 / 30234

\_\_\_\_\_  
United States District Judge